

5,026,798. The '798 patent is involved in Interference No. 102,954. In Motion No. 11 of the '954 interference, Applicant moved to add the reissue application to the interference. Applicant also moved, in Contingent Motion No. 12, to add the claims of the present application to the interference in the event that the reissue application is not added. Applicant has no intention of attempting to obtain two patents with identical claims. If the reissue application is added to the '954 interference, the present application will be expressly abandoned.

Claims 14-26 also stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 5,026,798. As stated above, a reissue application of the '798 patent has been filed. If the reissue application is added to the interference, then the present application will be expressly abandoned. If the reissue application is not added, then a terminal disclaimer will be considered if necessary.

Claims 14-26 stand provisionally rejected under 35 U.S.C. 102 (g)/103 as being obvious over Count 1 of Interference No. 102,954. The Examiner states that prosecution will be suspended pending final determination of priority in the interference once any remaining issues are resolved.

It is submitted that all of the issues in this application depend on resolution of the '954 interference.

Accordingly, it is requested that the Examiner suspend prosecution in the present application pending 1) decision on the motions submitted in Interference No. 102,954, particularly, Canich Motion Nos. 11 and 12 (with respect to the § 101 and judicial double patenting rejections); and 2) final determination of the interference with respect to the 102(g)/103 rejection.

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CERTIFICATE UNDER 37 CFR 1.10

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and is addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231 on July 13, 1993

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